# UNITED STATES BANKRUPTCY COURT WESTERN DISTRICT OF MICHIGAN (GRAND RAPIDS)

In re:

CHELSEA ANNE WILLIAMS, Case No. 19-05180-swd

Chapter 7

Debtor. Hon. Scott W. Dales

## CHELSEA A. WILLIAMS,

Plaintiff,

v. Adversary Case No. 20-80058-swd

TNT FINANCIAL, INC., A Michigan corporation, and JAMES N. MEINECKE, ESQ.,

Defendants.

## **ROBERT W. DIETRICH (P49704)**

Attorney for Plaintiff 3815 W. St. Joseph St., Ste. A200 Lansing, MI 48917 Ph. (517) 374-9080 **JAMES N. MEINECKE (P40510)** 

Attorney for Defendants P.O. Box 5767 Saginaw, MI 48603-0767 Ph. (989) 921-0406

# ANSWER. AND AFFIRMATIVE DEFENSES OF TNT FINANCIAL, INC. AND JAMES N. MEINECKE TO ADVERSARY COMPLAINT FOR DAMAGES

TNT Financial, Inc. (hereafter "TNT") and James N. Meinecke, by their attorney, James N. Meinecke, defendants in the above captioned adversary proceeding, answer the plaintiff's complaint as follows:

#### **INTRODUCTION**

 Defendants neither admit nor deny the allegations contained in Paragraph 1 of the Complaint as it does not contain any statement of fact and merely summarizes the complaint filed by the plaintiff.

#### JURISDICTON AND VENUE

2. Defendants incorporate their answer to Paragraph 1 of the Complaint as if set forth

herein.

- 3. Defendants admit the allegations contained in Paragraph 3 of the Complaint.
- 4. Defendants admit the allegations contained in Paragraph 4 of the Complaint.
- 5. Defendants deny the allegations contained in Paragraph 5 of the Complaint as false and untrue. Based on the amount claimed as damages by the plaintiff, he proper venue for this matter is governed by 28 USC §1409(b) and should have been brought in the United States Bankruptcy Court for the Eastern District of Michigan in Bay City, Michigan, where the defendants reside or conduct business.
- 6. Defendants admit the allegations contained in Paragraph 6 of the Complaint.

#### **PARTIES**

- 7. Defendants incorporate their answers to Paragraphs 1-6 of the Complaint as if set forth herein.
- 8. Defendants neither admit nor deny the allegations contained in Paragraph 8 of the Complaint as they are without knowledge or information sufficient to form a belief as to the truth of these allegations, leaving the plaintiff to her strict proofs.
- 9. Defendants admit the allegations contained in Paragraph 9 of the Complaint that TNT is a domestic corporation located at 4191 N. Euclid Ave., Bay City, Michigan, but denies the remaining allegations as false and untrue. Defendant TNT affirmatively states that it does not engage in automobile finance leasing.
- 10. Defendants admit the allegations contained in Paragraph 10 of the Complaint.
- 11. Defendants neither admit nor deny the allegations contained in Paragraph 11 of the Complaint as they are without knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, leaving the plaintiff to her strict

proofs.

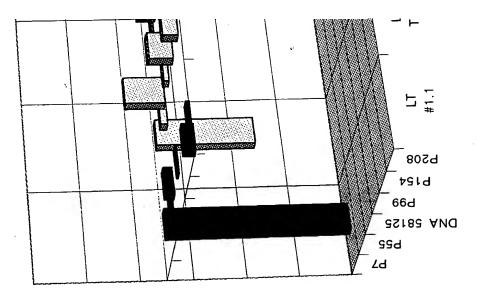
#### FACTUAL ALLEGATIONS

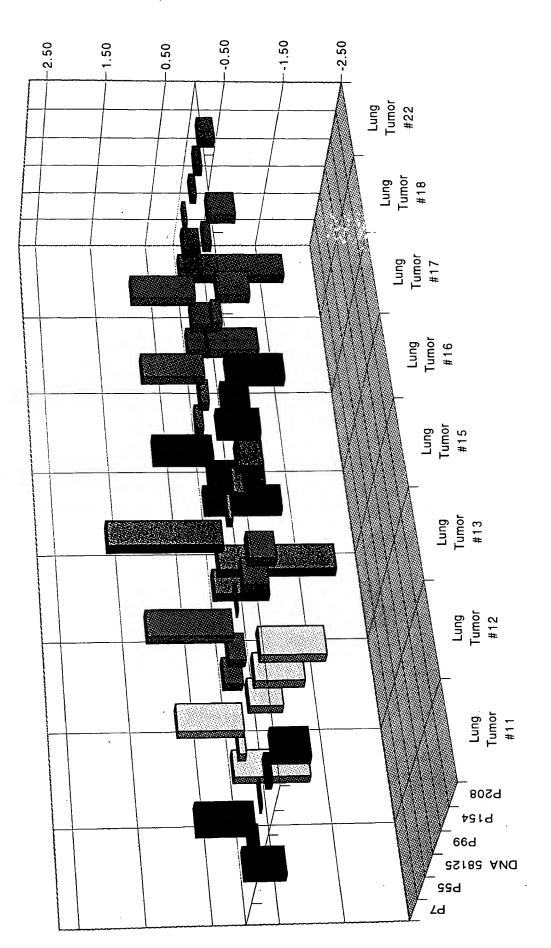
- 12. Defendants incorporate their answers to Paragraphs 1-11 of the Complaint as if set forth herein.
- 13. Defendants admit the allegations contained in Paragraph 13 of the Complaint.
- 14. Defendants admit the allegations contained in Paragraph 14 of the Complaint.
- 15. Defendants admit the allegations contained in Paragraph 15 of the Complaint.
- 16. Defendants admit the allegations contained in Paragraph 16 of the Complaint.
- 17. Defendants admit the allegations contained in Paragraph 17 of the Complaint.

  Defendants affirmatively state that they received actual notice of the filing of the petition in this matter on December 30, 2019.
- 18. Defendant admits the allegations contained in Paragraph 18 of the Complaint that they deducted a total of \$2,314.75 by way of a wage garnishment in the 90 days prior to the filing of the petition, but affirmatively state that none of the transfers from the plaintiff's wages were \$600.00 or more.
- 19. Defendants admits the allegations contained in Paragraph 19 of the Complaint that a deduction of \$293.54 was taken from the plaintiff's January 7, 2020 paycheck but denies that the deduction was taken in violation of the automatic stay under 11 USC §362 (not sure what "U.S.C. 22 §362" refers to) as:
  - a. upon receipt of the bankruptcy notice in this case, defendants prepared releases of the garnishment in question and a State of Michigan income tax refunds on December 30, 2019 (see attached Exhibit A);
    - b. on the same date, defendants emailed a copy of the release of the wage

garnishment to the employer and mailed a letter to them requesting they stop deductions from plaintiff's pay (see attached Exhibit B); and

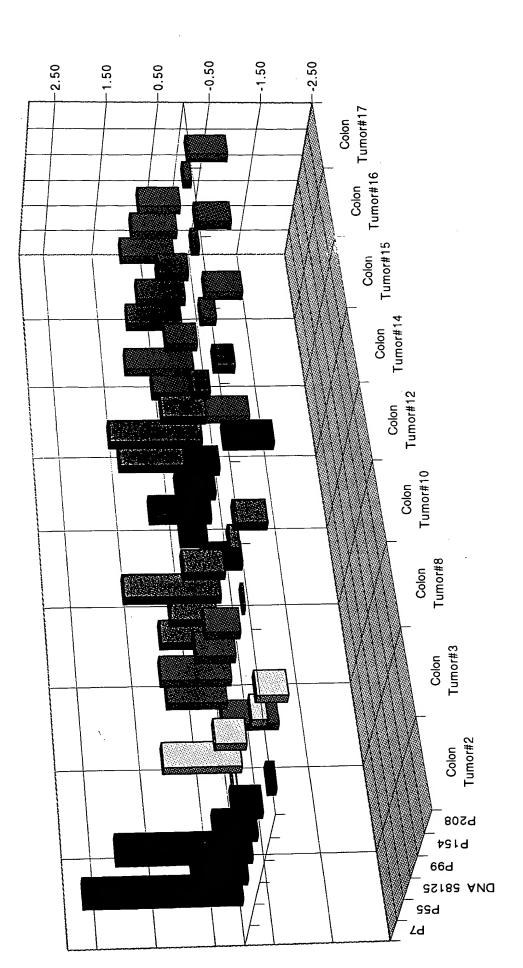
- c. on January 13, 2020, upon receipt of the check from the employer of the January 7, 2020 wage deduction, the defendants returned the check to the employer with instructions to return these funds to the plaintiff and to stop any further withholdings from her wages (see attached Exhibit C). Upon information and belief, these funds were returned to the plaintiff on January 27, 2020 per a telephone call to the employer's payroll department (see attached Exhibit D).
- 20. Defendants deny the allegations contained in Paragraph 20 of the Complaint for the reasons set forth in the answer to Paragraph 19 above.
- 21. Defendants neither admit nor deny the allegations contained in Paragraph 21 of the Complaint as they are without knowledge or information sufficient to form a belief as to the truth of these allegations, leaving the plaintiff to her strict proofs.
- 22. Defendants admit the allegations contained in Paragraph 22 of the Complaint.
- 23. Defendants admit the allegations contained in Paragraph 23 of the Complaint that they did not respond to the February 25, 2020 letter but affirmatively state there was no reason to as the funds in question had been returned to plaintiff's employer on January 13, 2020.





Framework Analysis of DNA58125 Cardiotrophin-1 on Lung Tumor Panel 2

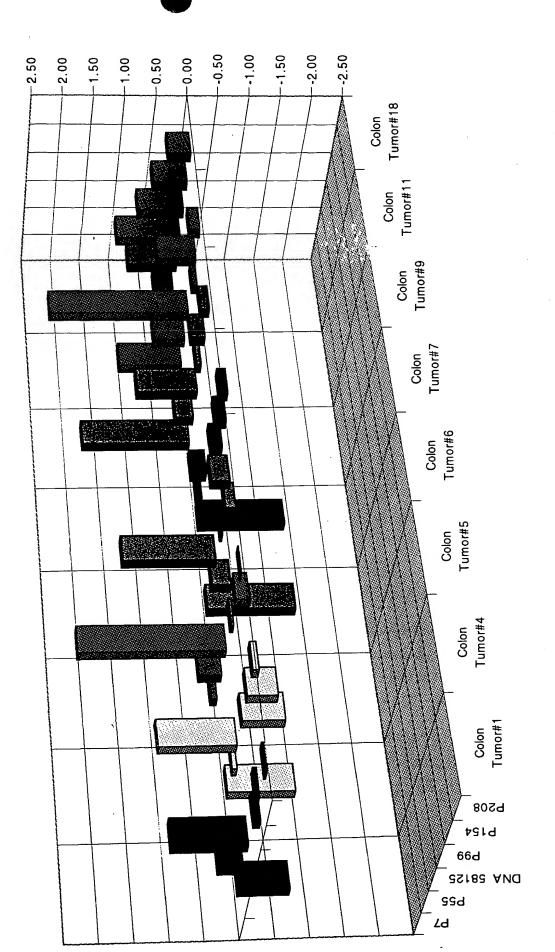
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Framework Analysis of DNA58125 Cardiotrophin-1 on Colon Tumor Panel #1

F16. 6

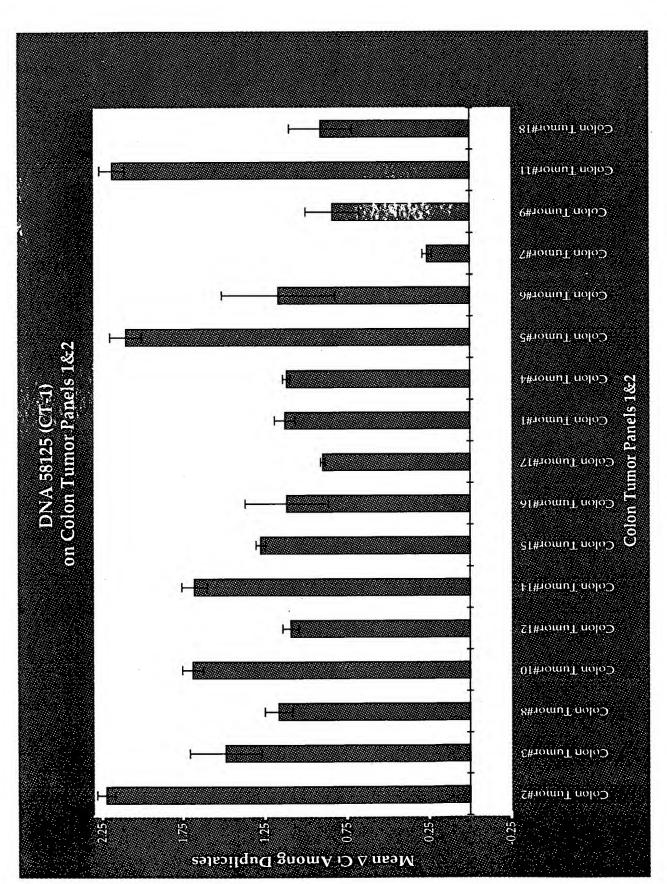
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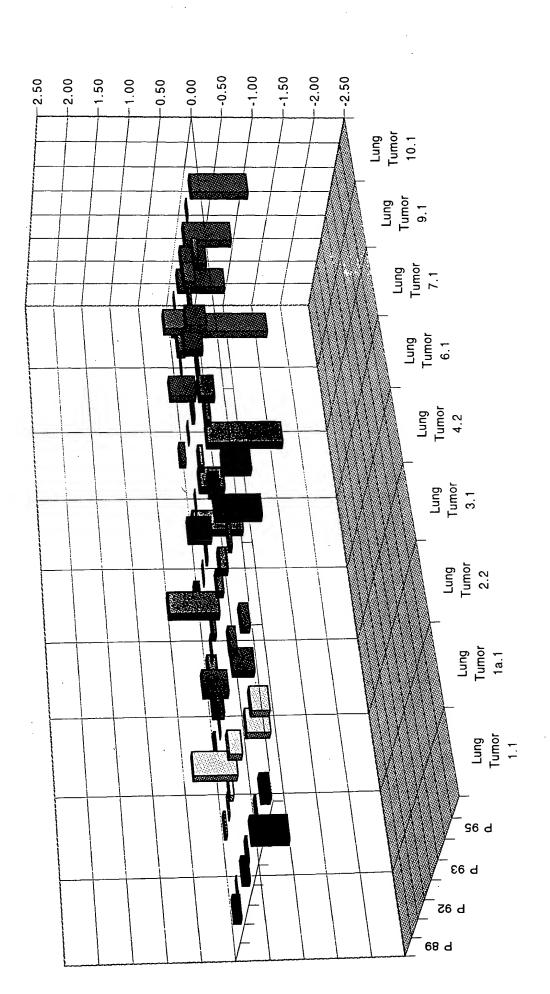


Framework Analysis of DNA58125 Cardiotrophin-1 on Colon Tumor Panel 2

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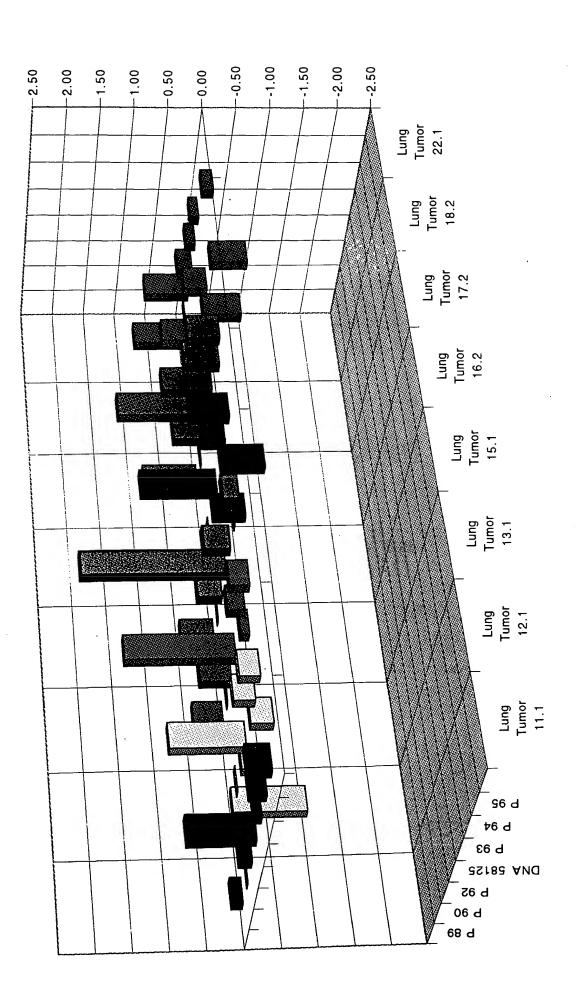




Lung Tumor Panel #1
Epicenter for Chromosome # 16

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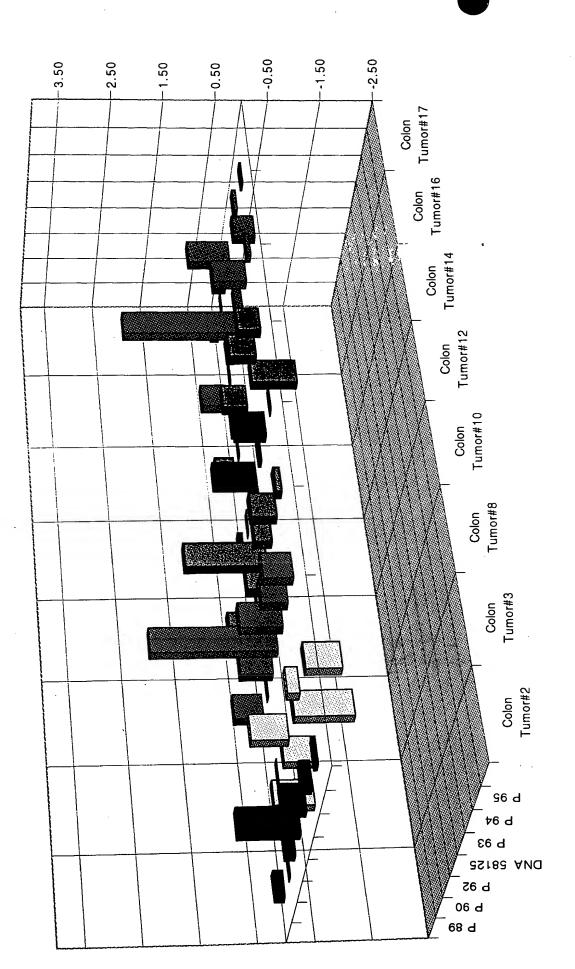
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Lung Tumor Panel #2 Epicenter for Chromosome # 16

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Colon Tumor Panel #1 Epicenter for Chromosome # 16

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